

Remarks

By this amendment, claims 11, 21, 35, 53, and 65 have been amended. No claims have been newly added or cancelled. Therefore, claims 1-68 remain pending.

Support for the instant amendments is provided throughout the as-filed application including, for example, col. 3, lines 21-22, and col. 4, lines 23-24. Thus, no new matter has been added. In view of the following comments, allowance of all the claims pending in the application is respectfully requested.

Rejection Under 35 U.S.C. §112, second paragraph

Claims 11, 21, 35, 53, and 65 were rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as their invention. Applicant traverses.

Applicant submits that the roughness of a surface of a plate or foil is definite as recited in claims 11, 21, 35, 53, and 65. Merely to expedite prosecution, Applicant has amended claims 11, 21, 35, 53, and 65. For example, regarding claim 11, Applicant submits that a surface of the plates is roughened to increase suppression of the undesired atomic and microscopic particles is definite, e.g., in the context of a filter to suppress undesired atomic and microscopic particles. Claims 21, 35, 53, and 65 are definite for similar reasons. Accordingly, the withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. §102

Claims 12, 14 and 21 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 3,418,467 to Spielberg et al. ("Spielberg"). Applicant traverses.

Regarding claim 12, Applicant submits that the cited portions of Spielberg do not at least disclose a filter for suppressing undesired atomic and microscopic particles which are emitted by a radiation source, wherein a plurality of plates are positioned substantially parallel in relation to one another, for trapping atomic and microscopic particles on their respective surfaces, wherein the plates are directed away from the radiation source.

The cited portions of Spielberg describe a method of combining radiation of different wavelengths from separate sources into a composite beam. See col. 1, lines 49-57. In particular, collimators 7-11 ensure that the radiation is incident on crystal 6 at the proper angle to form composite beam 12. See col. 2, lines 47-52. The cited portions of Spielberg, however, are silent with respect to atomic and microscopic particles. For example, the cited portions of Spielberg do not disclose that X-ray tubes 1-5 produce or emit atomic and microscopic particles. In addition, the cited portions of Spielberg do not disclose the desirability of filtering radiation emitted from X-ray tubes 1-5 to suppress undesired atomic and microscopic particles. Further, the cited portions of Spielberg do not disclose that the plurality of parallel sheets of collimators 7-11 trap atomic and microscopic particles on their respective surfaces.

For at least the reason that the cited portions of Spielberg do not disclose each and every aspect of claim 12, the rejection of claim 12 should be withdrawn. Claims 14 and 21 depend from claim 12 and therefore are allowable over the cited portions of Spielberg for the reasons noted above with respect to claim 12, as well as for the features they recite individually.

Claims 12, 14 and 21 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,275,568 to Prins et al. ("Prins"). Applicant traverses.

Applicant submits that Prins does not qualify as proper prior art to this application. Prins has a 35 U.S.C. §102(e) date of December 22, 1999. However, this application has an effective U.S. filing date of February 19, 1999 because it is a continuation of PCT patent application no. PCT/NL99/00090 filed February 19, 1999. See, e.g., MPEP § 706.02 VI(A). Moreover, this application claims earlier priority to Netherlands patent application no. NL 10083252, filed February 19, 1998. Therefore, Prins does not qualify as prior art at least because it does not have a 35 U.S.C. §102(e) date before the effective U.S. filing date of this application.

For at least the reason that Prins does not qualify as proper prior art, the rejection of claims 12, 14, and 21 should be withdrawn.

Conclusion

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

If an extension of time is necessary to prevent abandonment of this application, then such an extension of time is hereby petitioned for under 37 C.F.R. §1.136(a). Any fees required (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 033975 (Ref. No. **081468-0308088**).

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